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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,075	04/12/2004	Olivier Golibrodski	5974-155	3982
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CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131				
			EXAMINER SAX, STEVEN PAUL	
			ART UNIT 2174	PAPER NUMBER

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,075

Applicant(s)

GOLIBRODSKI ET AL.

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 5-12, 16-19 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 13-15, 20 and 22-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4, 13-15, 20, 22-30, drawn to a method and system for viewing a projection plane for a three dimensional model, classified in class 715, subclass 850.
 - II. Claims 5-12, 16-19, 21, drawn to a method and system for visually rotating objects in three dimensions, classified in class 345, subclass 650.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as visually rotating an object in three dimensions. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to

provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Eric Lerner on 9/8/06 a provisional election was made without traverse to prosecute the invention of I, claims 1-4, 13-15, 20, 22-30. Affirmation of this election must be made by applicant in replying to this Office action. Claims 5-12, 16-19, 21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 13-15, 2-, 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohki et al (6529206).

4. Regarding claim 1, Ohki et al show: a computer system operation method for facilitating viewing of a computer generated model on a display (abstract, Summary para 29), the method comprising:

selecting a projection plane for a three dimensional model (Summary para 29, 20, Detailed Descr. para 25, 26. Figure 3); and

displaying a two dimensional visualization of a projection of the model in the projection plane, wherein the projection plane is the plane of the display (Figures 3, 4, 6, Detailed Descr. para 69, 71, 98, 100).

5. Regarding claim 2, the display of the two dimensional visualization is limited to pixel data (Detailed Descr. para 101, Figures 18A-C).
6. Regarding claim 3, activation of a manipulator tool button causes the displaying of the two dimensional model (Detailed Descr. para 103).
7. Regarding claim 4, activation of a manipulator quadrant device modifies the projection plane (Detailed Descr. para 25, 99, 103-104).
8. Claim 13 shows the same features as claim 1 and is rejected for the same reasons.
9. Regarding claim 14, activation of the user interactive device is accomplished by clicking a pointing device controlling a cursor while the cursor is positioned over the interactive device (Detailed Descr. para 103-104).
10. Regarding claim 15, the user interactive device is incorporated into a graphical manipulator software tool (Summary para 29, 20).
11. Claim 20 shows the same features as claim 1 and is rejected for the same reasons.

12. Regarding claim 22, in addition to that mentioned for claim 1, note the second projection plane in which the projection is generated (Descr. para 69, 71, 98, 100, 122).
13. Regarding claim 23, the display of the two dimensional visualization is limited to pixel data (Detailed Descr. para 101, Figures 18A-C).
14. Regarding claim 24, activation of a manipulator tool button causes the displaying of the two dimensional model (Detailed Descr. para 103).
15. Regarding claim 25, activation of a manipulator quadrant device modifies the projection plane (Detailed Descr. para 25, 99, 103-104).
16. Regarding claim 26, receiving a projection plane and displaying said two-dimensional visualization in said projection plane are iteratively repeated (Detailed Descr. para 63, 93, 94), and the step of generating the projection of said three-dimensional model in said projection plane includes the step of: receiving an approval for said projection plane; and displaying said three-dimensional model in said projection plane after receiving said approval (Detailed Descr. para 101, 103, 104).

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17. Regarding claim 27, the step of receiving a selected projection plane includes the step of: providing a manipulator tool button for selecting said projection plane (Detailed Descr. para 25, 103-105).

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohki et al (6529206) and Miller (6229542).

20. Regarding claim 28, in addition to that mentioned for claim 27, Ohki et al do not go into the specific details of the manipulator tool including a plurality of quadrants with each of said plurality of quadrants representing a predetermined number of degrees of rotation in a predetermined direction around an orthogonal axis, such that the step of receiving a selected projection plane includes the step of: receiving a selected one of said plurality of quadrants; and rotating said projection plane said predetermined number of degrees and in said predetermined direction around said orthogonal axis associated with said selected quadrant, but does mention efficient manipulation of projection planes in a three dimensional user interface. Furthermore, Miller does show this (Figures 5, 7, 8, Detailed Descr. para 3, 14, 18) for

efficient manipulation of projection planes in a three dimensional user interface. It would have been obvious to a person with ordinary skill in the art to have this in Ohki et al, because it would allow efficient manipulation of projection planes in a three dimensional user interface.


21. Regarding claim 29, the manipulator tool includes a programmable interactive button and wherein the step of displaying said two-dimensional visualization in said projection plane includes the step of: displaying said two-dimensional visualization in said projection plane in response to an activation of the programmable interactive button (Detailed Descr. para 25, 103-105).

22. Regarding claim 30, in addition to that mentioned for claim 28, note in Miller that the rotating about the orthogonal axis uses a user interactive device tracking the circumference of a circle displayed on said computer screen, wherein selecting the interactive device and rotating it in a clockwise or counter-clockwise direction will cause said projection plane to rotate about an axis which is perpendicular to the computer screen (Figures 5, 7, 8, Detailed Descr. para 3, 14, 18). This is done for efficient manipulation of projection planes in a three dimensional user interface. It would have been obvious to a person with ordinary skill in the art to have this in Ohki et al, because it would allow efficient manipulation of projection planes in a three dimensional user interface.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



STEVEN SAX
PRIMARY EXAMINER